

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

OPTIMORPHIX, INC.,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

Civil Action No. 5:23-cv-126-RWS-JBB

JURY TRIAL DEMANDED

OPTIMORPHIX, INC.,

Plaintiff,

v.

**AMAZON.COM, INC. AND AMAZON WEB
SERVICES, INC.,**

Defendants.

Civil Action No. 5:23-cv-123-RWS-JBB

JURY TRIAL DEMANDED

OPTIMORPHIX, INC.,

Plaintiff,

v.

CA, INC.,

Defendant.

Civil Action No. 5:23-cv-134-RWS-JBB

JURY TRIAL DEMANDED

OPTIMORPHIX, INC.,

Plaintiff,

v.

F5, INC.

Defendant.

Civil Action No. 5:24-cv-26-RWS-JBB

JURY TRIAL DEMANDED

**JOINT STATUS UPDATE REGARDING THE PARTIES' SETTLEMENT PROGRESS
AND JOINT MOTION TO CONTINUE STAY PENDING SETTLEMENT**

Pursuant to this Court's Orders staying all deadlines in each of the above-captioned case (*see, e.g.*, Case No. 5:23-cv-00126-RWS-JBB, Dkt. No. 29), the Parties to the above-captioned cases provide this Status Update Regarding the Parties' Settlement Progress and jointly request the Court extend the stays entered in each of the above-captioned cases up to and including June 24, 2024.

On May 20, 2024, OptiMorphix, Inc., the Plaintiff in each of the above-captioned cases, and the third party referenced in each of the Orders staying the above-captioned cases both fully executed a confidential agreement that, once all conditions precedent are satisfied, will provide each of the Defendants in the above-captioned cases with a license to all patents-in-suit. *See* Case No. 5:23-cv-00126-RWS-JBB, Dkt. No. 29 (“[T]he parties represent the joint motion to stay arises from a confidential agreement in principle between Plaintiff and a third-party and Defendant and the third-party that would resolve all matters in controversy between the parties.”). The final condition precedent requires the third party referenced herein to make a payment to OptiMorphix, Inc. The deadline for that payment pursuant to the terms of the above-referenced agreement is June 20, 2024.

All Parties to the above-captioned actions will be in a position to either file all papers necessary for the closing of the above-captioned cases and the removal of these cases from the Court's active docket, or alternatively, file a Joint Notice requesting the resetting of a consolidated Scheduling Conference in the above-captioned cases by June 24, 2024. Accordingly, the Parties jointly request the Court extend the stays entered in each of the above-captioned cases until and including June 24, 2024.

Dated: May 31, 2024

Counsel for Plaintiff OptiMorphix, Inc.

/s/ Daniel P. Hipskind

Dorian S. Berger (CA SB No. 264424)
Daniel P. Hipskind (CA SB No. 266763)
Erin E. McCracken (CA SB No. 244523)
BERGER & HIPSKIND LLP
9538 Brighton Way, Ste. 320
Beverly Hills, CA 90210
Telephone: 323-886-3430
Facsimile: 323-978-5508
E-mail: dsb@bergerhipskind.com
E-mail: dph@bergerhipskind.com
E-mail: eem@bergerhipskind.com

Elizabeth L. DeRieux
State Bar No. 05770585
Capshaw DeRieux, LLP
114 E. Commerce Ave.
Gladewater, TX 75647
Telephone: 903-845-5770
E-mail: ederieux@capshawlaw.com

Respectfully submitted,

Counsel for Defendant Cisco Systems, Inc.

/s/ Tamir Packin

Tamir Packin (*pro hac vice*)
Lindsey Miller (*pro hac vice*)
Deborah Mariottini (*pro hac vice*)
DESMARAIS LLP
230 Park Avenue
New York, NY 10169
Tel: (212) 351-3400
Fax: (212) 351-3401
TPackin@desmaraisllp.com
LMiller@desmaraisllp.com
DMariottini@desmaraisllp.com

Michael R. Rhodes (*pro hac vice*)
DESMARAIS LLP
101 California Street, Suite 3000
San Francisco, CA 94111
Tel: (415) 573-1900
Fax: (415) 573-1901
MRhodes@desmaraisllp.com

*Lead Counsel for Defendant
CISCO SYSTEMS, INC.*

Melissa R. Smith
GILLIAM & SMITH LLP
303 South Washington Avenue
Marshall, TX 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
melissa@gilliamsmithlaw.com

*Local Counsel for Defendant
CISCO SYSTEMS, INC.*

Counsel for Defendant CA, Inc.

/s/ Kristopher L. Reed

Kristopher L. Reed

KILPATRICK TOWNSEND & STOCKTON LLP

2001 Ross Avenue, Suite 4400

Dallas, TX 75201

Telephone: (214) 922-7143

Facsimile: (214) 922-7101

kreed@ktslaw.com

Russell A. Korn

Joshua H. Lee

KILPATRICK TOWNSEND & STOCKTON LLP

1100 Peachtree Street NE, Ste. 2800

Atlanta, GA, USA, 30309

Telephone: (404) 815-6500

Facsimile: (404) 815-6555

rkorn@ktslaw.com

jlee@ktslaw.com

Edward J. Mayle

KILPATRICK TOWNSEND & STOCKTON LLP

1400 Wewatta St., Ste. 600

Denver, CO 80202

Telephone: (303) 571-4000

Facsimile: (303) 571-4321

tmayle@kilpatricktownsen.com

***Counsel for Defendants Amazon.com, Inc. and
Amazon Web Services, Inc.***

/s/ Brian C. Nash

Brian C. Nash (TX Bar No. 24051103)

MORRISON & FOERSTER LLP

300 Colorado Street, Suite 1800

Austin, TX 78701

Telephone: 512.617.0650

BNash@mofo.com

Counsel for Defendant F5, Inc.

By: /s/ Ramsey M. Al-Salam

Ramsey M. Al-Salam, WSBA No. 18822

PERKINS COIE LLP

1201 Third Avenue, Suite 4900

Seattle, WA 98101

Phone: 206-359-8000

Fax: 206-359-9000

Email: RAlsalam@perkinscoie.com

CERTIFICATE OF CONFERENCE

The undersigned counsel hereby certifies the Parties met and conferred on the relief requested in this motion, and this motion is joint.

/s/ Daniel P. Hipskind
Daniel P. Hipskind

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on May 31, 2024, a copy of the foregoing document was served on all counsel who have appeared in this case via CM/ECF.

/s/ Daniel P. Hipskind
Daniel P. Hipskind